

stood in the English ecclesiastical courts, and by the canon law. And quoting the language of Mr. Chancellor Kent, in the case of *Barrere vs. Barrere*, 4 *Johns. Ch. Rep.*, 187, that "mere petulance and rudeness, and sallies of passion, might not be sufficient," it was decided, relying upon the authority of that distinguished judge, that "there must be a series of acts of personal violence, or danger of life, limb or health," to justify a decree of separation. That great caution, and discrimination ought to be used on this subject, and that even if acts of personal violence were shown, it was proper for the judge to consider, if they were without cause, or for trivial causes, or if they were the result of provoking language, on the part of the wife, pushing the patience of the husband to extremity.

Now, in this case, after an attentive examination of the evidence, and a full hearing of the counsel, I do not find proof of a series of acts of personal violence, or danger of life, limb or health, or indeed, any thing approaching to either, which would justify the court in decreeing a separation between the parties. The bill, therefore, must be dismissed.

M. HAZEL, HENRY STOUT, for Petitioner.

WM. J. WARD, for Defendant.

PERMELIA COLES,  
BY HER NEXT FRIEND,  
BENJ. G. BUCK  
vs.  
WILLIAM COLES.

MARCH TERM, 1851.

[ALIMONY, PENDENTE LITE—DIVORCE.]

THE rule is believed to be almost universal, to allow a destitute wife, who has been abandoned, or is living apart from her husband, temporary alimony, and the means of prosecuting or defending a suit for divorce, and this without any inquiry, whatever, into the merits of the case.